The listing of claims will replace all prior versions and listings of claims in the application:

Listing of Claims:

Claim 24 (currently amended): An isolated polynucleotide comprising:

a) a nucleotide sequence encoding a polypeptide of a ~~disease resistance mediating~~ Mlo ~~polypeptide~~ protein, wherein said polypeptide has ~~having~~ an amino acid sequence of at least 90% sequence identity, based on the Clustal method of alignment, when compared to a polypeptide of SEQ ID NO:32 and further wherein said polypeptide has fungal disease resistance activity when expressed in a plant ; or

b) a complement of the nucleotide sequence, wherein the complement and the nucleotide sequence have the same number of nucleotides and are 100% complementary.

Claim 25 (canceled)

Claim 26 (previously presented): The polynucleotide of Claim 24 wherein the sequence identity is at least 95%.

Claim 27 (previously presented): The polynucleotide of Claim 24 wherein the amino acid sequence of the polypeptide comprises SEQ ID NO:32.

Claim 28 (previously presented): The polynucleotide of Claim 24, wherein the polynucleotide comprises SEQ ID NO:31.

Claim 29-30 (canceled)

Claim 31 (previously presented): A host cell comprising the recombinant DNA construct of Claim 37.

Claim 32 (previously presented): The cell of Claim 31, wherein the cell is selected from the group consisting of a yeast cell, a bacterial cell, an insect cell, and a plant cell.

Claim 33 (previously presented): A transgenic plant comprising the recombinant DNA construct of Claim 37.

Claim 34 (previously presented): A method for transforming a cell comprising introducing into a cell the recombinant DNA construct of Claim 37.

Claim 35 (previously presented): A method for producing a transgenic plant comprising (a) transforming a plant cell with the recombinant DNA construct of Claim 37, and

(b) regenerating a transgenic plant from the transformed plant cell.

Claim 36 (canceled)

Claim 37 (previously presented): A recombinant DNA construct comprising the polynucleotide of Claim 24 operably linked to at least one regulatory sequence.

Claim 38 (previously presented): The recombinant DNA construct of Claim 37, wherein the recombinant DNA construct is an expression vector.

Claim 39 (previously presented): A method for altering the level of expression of a disease resistance mediating Mlo polypeptide in a host cell, the method comprising:

a) transforming a host cell with the recombinant DNA construct of Claim 37; and

b) growing the transformed cell of step (a) under conditions suitable for the expression of the recombinant DNA construct wherein expression of the recombinant DNA construct results in altered expression of the Mlo polypeptide in the transformed host cell.

Claim 40 (currently amended): A method of producing a transgenic plant having a reduced ~~expression~~ level of a ~~disease resistance mediating~~ Mlo polypeptide in a plant, the method comprising:

(a) transforming a plant cell with a recombinant DNA construct comprising a promoter operably linked to all or a part of the polynucleotide of Claim 24, wherein the polypeptide encoded by the recombinant DNA construct has fungal disease resistance activity when expressed in a plant;

(b) regenerating a transgenic plant from the transformed plant cell of step (a); and

(c) selecting a transgenic plant from step (b) in which said plant has a reduced ~~expression~~ level of the Mlo polypeptide when compared to a nontransformed plant.